

ORIGINAL
FILE

RECEIVED

DEC 20 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of
Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

COMMENTS OF COMMUNICASTING CORPORATION

Communicasting Corporation, licensee of LPTV station W42AJ in Washington, D.C. strongly supports the Commission's initiative to enhance the audio and visual quality of current television broadcast services. As a television broadcaster in the Washington, D.C. area providing valuable services to the Hispanic community, we want to participate in such enhancements to improve our own ability to serve the Spanish speaking community in the Washington, D.C. area. When the opportunity is given to us to enhance our own transmission facilities, we plan to do so.

We are aware that the transition to a mass audience for ATV services will not happen over night and requires significant changes in the facilities and operations of existing broadcasters. We plan to cooperate in every way reasonably possible to support this transition process.

At the same time, we recognize that the Commission is faced with a difficult problem because the number of available channels to permit existing broadcasters to conduct conventional television operations and simultaneously ATV broadcast operations

0 + 4

could possibly result in the discontinuance of LPTV operations in the Washington, D.C. area. We request that the Commission establish as an important objective in these proceedings to preserve and protect existing LPTV operations from premature or unnecessary disruption or discontinuance of operations.

We think that this objective can be achieved if the Commission adopts the following allocations and licensing policies:

- Existing full service licensees should apply for ATV channels in a given community on a first-come, first-served basis during the initial filing window;
- Considering the equivalency of ATV channels, channel assignments should be made in order of priority starting with those which require the least displacement of existing LPTV service;
- Grant of any ATV construction permit which requires displacement of an existing LPTV service should be conditioned to require that such permittee cooperate with the existing LPTV operator;
- Grant of any ATV construction permit should also be conditioned to require the permittee to compensate any displaced LPTV operation for its engineering expenses in shifting to a new channel. In the event of possible termination of LPTV operations, such permittee should pay as compensation the independently appraised value of the LPTV business (determined on a "going concern" basis); and
- Streamlined procedures should be adopted to permit LPTV licensees to shift to unoccupied channels and to give displaced LPTV operators preference in seeking licenses for full service operations on channels abandoned by existing broadcasters at the end of the period of simultaneous ATV/NTSC operations.

Grant of our request is urgently needed to preserve the unique Spanish-language programming service which we provide to

Hispanic viewers by our LPTV station. We recently celebrated our third anniversary of local operations on December 3.

We carry Telemundo network programming including its highly regarded Spanish language version of CNN news. In the Washington, D.C. area this programming meets important needs and interests of a large and growing Hispanic community. Attached are statistics indicating the dramatic growth over the past decade of the Hispanic population residing in the Washington, D.C. metropolitan area.

Our LPTV station is very important to the distribution of Hispanic programming service because despite our continuing efforts, most of the local cable television systems serving the area still refuse to carry our programming. In particular, we are not carried on the District Cable system serving our own city of license or on the cable systems serving Montgomery, Prince Georges, Alexandria or Arlington counties. Despite these handicaps, we have a large and growing audience for our programming. There is simply no alternative for these Hispanic viewers to obtain our unique programming in the event we are forced to go off-the-air.

In addition to Telemundo network programming, we carry significant public affairs, community affairs and public service programming originated at our local studios. Our local programming includes weekly half hour public affairs talk show, "Washington Cafe" presented twice weekly covering local news

topics and featuring locally prominent journalists and community leaders. Another twice weekly public affairs program is "42 A Su Lado", a half hour public affairs program featuring discussions with community leaders regarding issues such as care and prevention of AIDS, immigration issues, access to medical services, housing issues, drunk driving and a broad range of other concerns of Hispanics in the Washington metropolitan area.

The station also presents many public service announcements for Hispanic community organizations and governmental organizations including the following:

- Adelante, Inc.
- Alianza
- Andromeda Hispano Mental Health Center
- Comite Pro-Ayuda A Ninos Y Ancianos De Costa Rica
- Asafunter
- Ayuda
- Central American Refugee Center
- Metropolitan Police
- Foundation For The Advancement Of Hispanic American Inc.
(FAHA)
- Hispanic American Festival of Washington
- Institute For Puerto Rican Affairs
- Office On Latino Affairs
- Immigration And Naturalization Service
- Spanish Speaking Community Of Maryland
- Hispanos Unidos
- Arlington County Department Of Employment
- Comite Hispano De Virginia

This local programming and other public service commitments of our station are as important a means of community self-expression for the Hispanic community as the similar efforts of full service broadcasters.

The outreach of our station also includes participation in Hispanic cultural events including the Hispanic Festival held each July in downtown Washington, the Pan American Festival held each June in Alexandria, Virginia and a recently established ethnic festival held in October in Baltimore.

The Commission should also consider the economic losses which would result from the disruption of our existing services or possible termination of such services. The investment made in our station truly follows the small business model which the Commission in the past has praised as an "incubator" for developing minority participation in the broadcasting business and as an effective method encouraging innovative new program services. The administration, sales, program production and engineering personnel responsible for local operations are a gifted group of Hispanic men and women, including six full time employees and seven part time employees. We believe that the Commission has every reason to support the continued and expanded efforts of this gifted group of professionals by preserving and enhancing the LPTV operations of which they are such an important part.

We urge the Commission also to consider the economic losses which our station would suffer by being forced off the air. If such a result is avoidable, the Commission should make every effort to prevent this from happening. We have entered into leases, have service agreements, have made substantial capital

outlays for equipment, all of which would be lost if operations of this station were terminated. Particularly when this Commission has recently recognized in so many proceedings the importance of encouraging capital investment in new telecommunications operations, the public benefits from the preservation and enhancement of that investment by providing for continuation and possibly even enhancement of LPTV operations is self evident.

In conclusion, we fully acknowledge the difficulty of the decisions which the Commission must make in this proceeding. We ask that the Commission make every effort to preserve the special public interest benefits for which the LPTV service was first created and which we have provided in our first three years of operation. We request only that that we be permitted to continue to make our valuable contribution to the needs and interests of the Hispanic community in the Washington, D.C. area.

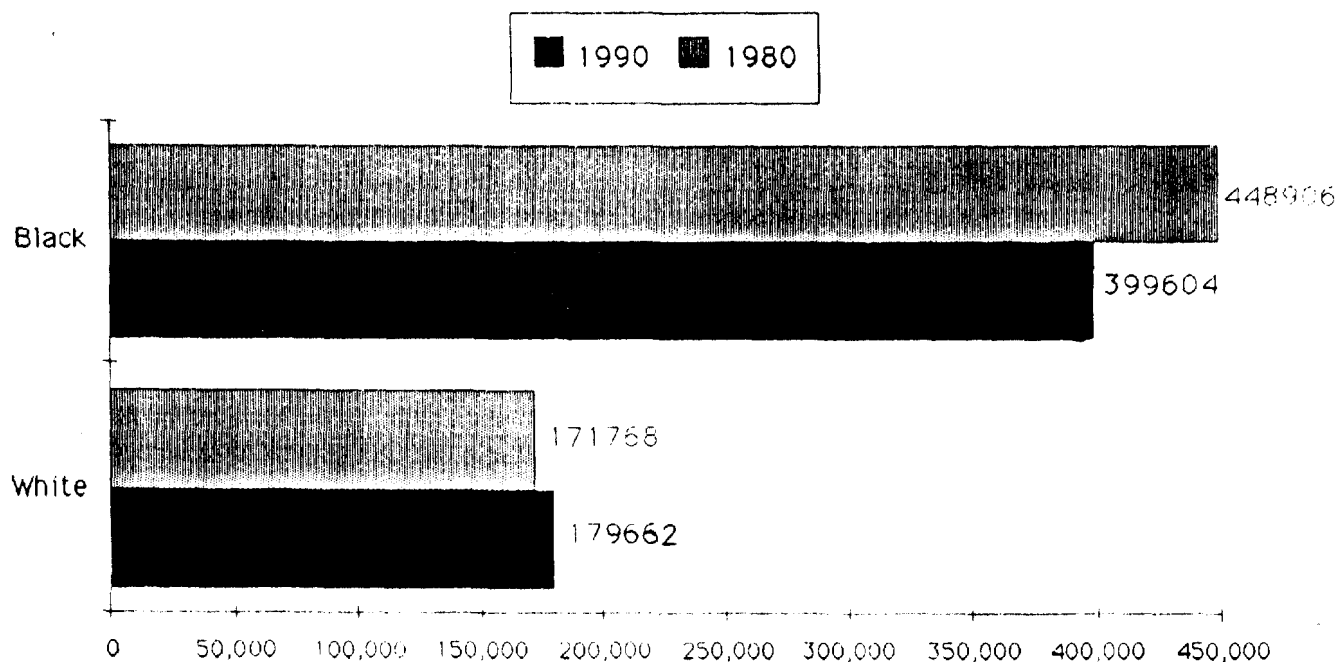
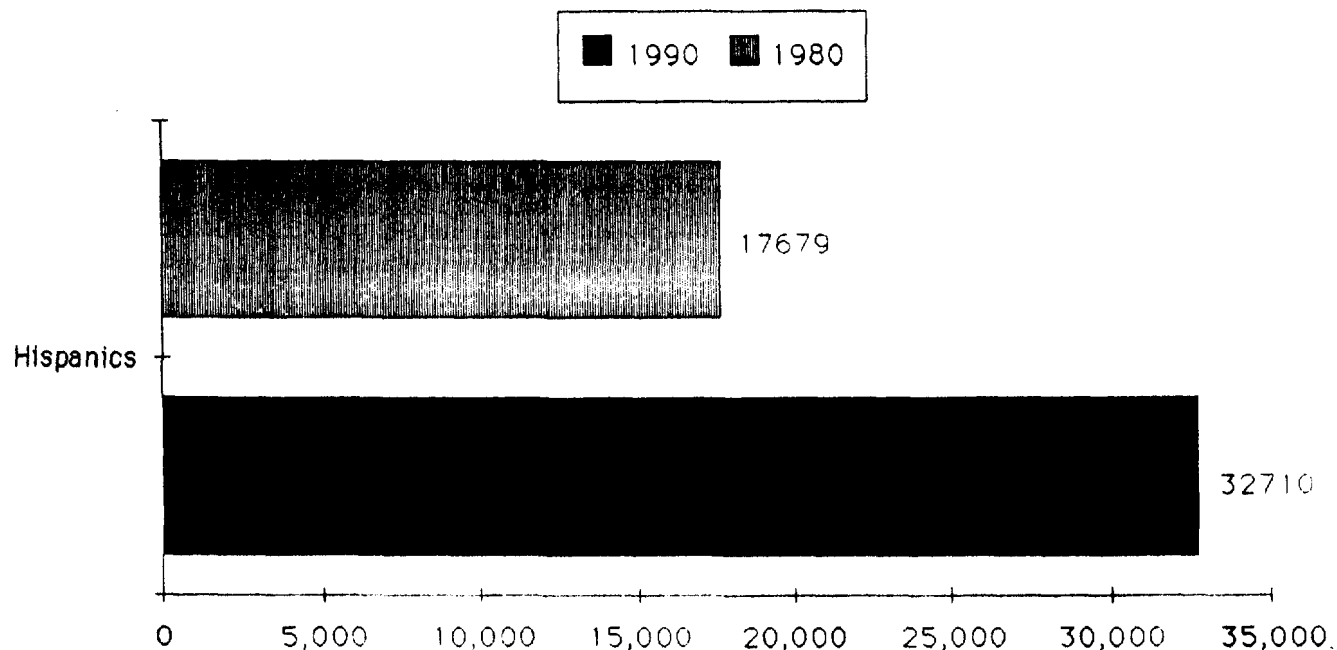
Respectfully submitted,
COMMUNICASTING CORPORATION

By Christopher S. Sargent
Christopher S. Sargent
President
11 West Melrose Street
Chevy Chase, MD 02815

December 20, 1991

D.C. Became More Diverse In the 1980s

The District is a more racially mixed city than a decade ago, gaining thousands of Hispanics and whites even as it continued to lose black residents.



Source: U.S. Census Bureau

HISPANIC POPULATION IN THE WASHINGTON AREA

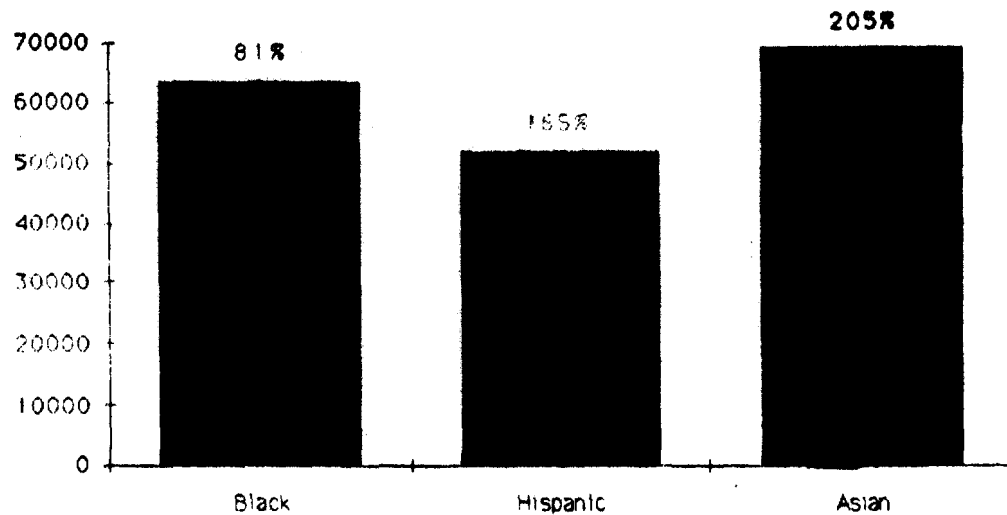
COUNTY OR CITY	HISPANIC POPULATION	PERCENT OF TOTAL COUNTY OR CITY POPULATION
District	82,600	11.4
Montgomery	45,700	6.9
Prince George's	26,700	4.0
Alexandria	9,800	8.7
Arlington	19,400	10.8
Fairfax	42,900	6.2
Falls Church	300	3.4
TOTAL	227,400	7.4

SOURCES: U.S. Bureau of Census, Strategy Research Corp.,
Mayor's Office of Latino Affairs, County and Local Governments

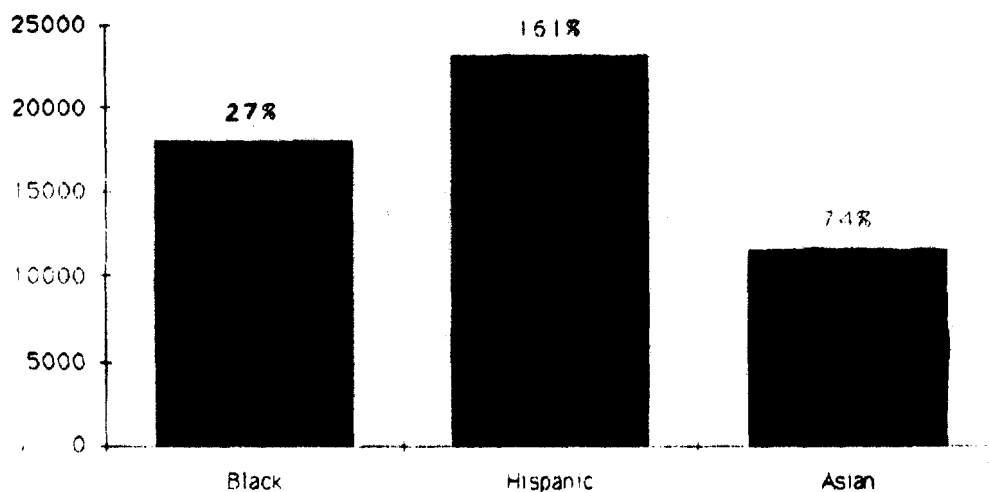
Census Figures Indicate Minorities Paced Population Growth in N.Va.

Racial Population and Percent Change from 1980

FAIRFAX COUNTY



ARLINGTON COUNTY



Source: Washington Post 1991

NORTHERN VIRGINIA POPULATION, 1980 AND 1990

Area	White	Black	Hispanic	Asian	Other	Total
Alexandria						
1990 Total	76,789	24,339	10,778	4,632	5,423	111,183
Change From 1980	2.7%	5.7%	166%	60%	108%	7.7%
Arlington County						
1990 Total	130,873	17,940	23,089	11,560	10,563	170,936
Change from 1980	3.7%	27%	160.5%	74.3%	81.5%	12%
Fairfax County						
1990 Total	665,399	63,325	51,874	69,338	20,522	818,584
Change from 1980	25.7%	80.9%	165%	205%	108%	37.1%
Fairfax City						
1990 Total	16,830	966	1,159	1,409	417	19,622
Change from 1980	-7%	65%	206%	194%	84%	1%
Falls Church						
1990 Total	8,533	298	604	456	291	9,578
Change from 1980	-3.5%	33%	91%	61.7%	77%	0.6%
Loudoun County						
1990 Total	77,095	6,168	2,156	2,101	765	86,129
Change from 1980	49.6%	22.9%	152.7%	388.6%	70%	49.9%
Manassas City						
1990 Total	23,332	2,839	1,601	867	869	27,957
Change from 1980	70%	105%	725%	398%	595%	81%
Manassas Park						
1990 Total	5,941	490	314	169	134	6,734
Change from 1980	-3%	71%	224%	525%	83%	3%
Pr. William County						
1990 Total	179,709	25,078	9,662	6,569	4,330	215,686
Change from 1980	39.4%	110%	195%	215%	146%	49%
Statewide Total						
1990 Total	4,791,739	1,162,994	160,288	159,053	73,572	6,187,358
Change from 1980	13.3%	15.3%	100.7%	140.2%	74.6%	15.7%

NORTHERN VIRGINIA

1980 Total: 1,105,709

1990 Total: 1,466,409